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Troubleshooter James Donovan Handles Cold War Cases From Havana to Checkpoint Charlie

By JOHN GREGG and HENRY LEE

THE MAN positively most wanted today for radio-TV guest appearances, magazine interviews and lectures is totally unavailable. James Britt Donovan, 47, the white-haired, soft-voiced master swapper, is in a hospital some place in the city under strictest orders to stay there till he recovers from general exhaustion.

His arduous 10-month mission has been completed; more than 5,000 American and Cuban prisoners have been retrieved from Castroland.

"I wanted to put together my law practice again and resume family life," Donovan said just before entering the hospital. His measured voice sounded tired.

"But after a physical, my doctor told me I *had* to have a complete rest. I pleaded with him that I wanted to attend Wednesday night's meeting of the Board of Education [Donovan is vice president] and consult a few old clients on pressing matters.

"He gave me a reprieve to the end of the week. Now there's a room waiting for me, and I am under orders that I receive no visitors, no phone calls, no mail —no nothing."

Donovan Isn't the Type Who Discourages Easily

Ordinarily, Donovan is an optimistic, stubbornly resourceful man. Once, when the negotiations with off-again, on-again Castro seemed hopelessly snagged, he said, "I'm always optimistic about anything I engage in until I abandon it—and I'm *not* abandoning this!" Shortly, the snarl was straightened out.

More recently, in fact just three weeks ago, Castro was still distrustful. Some of his advisers warned that maybe Donovan "was playing the same decoy role the Japanese ambassador was playing here at Pearl Harbor." So Donovan executed what you might call "the ultimate in gamesmanship." He brought his 18-year-old son, John, a senior at Northwood School in Lake Placid, down to Havana with him.

"Castro was enormously pleased to meet him and was completely taken by my self-confidence in bringing him," Donovan reported.

And young Donovan, who went swimming, spear-fishing and motoring through the countryside with the top Red sugarcane, found Castro "an intense man but charming" with "magnetic personality." Good man with a spear gun, too. "He caught 15 fish when we went out together, one of them a 40-pounder," John attested.

JAMES DONOVAN seems hardly the man to enter a hospital tamely even with flat-on-the-back exhaustion. Perhaps he takes doctors' orders seriously because, after all, he was the second son of a prominent Bronx doctor.

However, you shouldn't make any offhand predictions about this complicated personality. While he can be obstinately optimistic and irresistibly resourceful when the heat is on, Donovan can also be as impractically esthetic as a medievalist in the Metropolitan Museum of Art.

In the large Brooklyn apartment where he lives with his blonde wife, their son, John, and three daughters, he delights in taking a guest into his dark-paneled den, a fireplace in one wall, shelves upon shelves of rare books covering the other three. His passion is exquisite bindings and fine printings; his specialty is books published back in the 11th Century, the dawn age of printing.

"I have read that I became a wealthy lawyer and then turned to collecting books," he said laughingly. "Actually, I began this collection when I was 12."

With the reverence of the true bibliophile, he showed a rare edition of Chaucer, then another volume out of the Middle Ages bound in oakwood covers, then a framed page from the Gutenberg Bible. The latter is no desecration—it comes from a damaged copy of the historical Bible which had been broken up and sold at auction by the page.

A friend, David Gormley, remembers the day Donovan bought his fragment. The attorney took the subway downtown from the auction house and met Gormley, who drove him home. "It was fantastic," Gormley said. "Driving across the Brooklyn Bridge [illegible] page of the Gutenberg Bible."

Then there is the slim, beautifully embossed copy of A. E. Housman's "A Shropshire Lad" given to him by Brooklyn-born Mary McKenna. "She gave it to me in the spring of 1941," Donovan said. "I married her in June."

Two more recent additions to Donovan's collection have a moving history, and to explain them Donovan goes back to a chilly February day last year when he was in West Berlin with a famous client, Soviet spy Rudolf I. Abel.

For five years, the American lawyer had lived with the Russian's case, had carried it to the U. S. Supreme Court and now—a diplomat without credentials or diplomatic immunity—he was handling the negotiations for a dramatic spy swap.

This precursor of his monumental swapping with Cuba involved trading Abel for U-2 pilot Gary Powers. Abel's 30-year prison sentence had been cut short, and he was to walk over a bridge into East Berlin as a free man.

"Before we left for the bridge," Donovan recalled, "Abel told me 'I know your loves. I do not know how I will manage it, but you will receive a fitting token of my gratitude.'"

Words Were Forgotten— But Not by Rudolf Abel

Donovan returned to New York and resumed his private practice. Abel's words were forgotten in the stir of everyday activity.

One day, during a heated moment in the Berlin Wall crisis, the U. S. Mission office in West Berlin received a request for someone to come to Checkpoint Charlie, the U. S. military post on Friederichstrasse, which guards the portal to the Eastern Zone. A courier was met there, and a package changed hands.

"It was from Abel," Donovan said. "Two rare 15th Century law books, printed in Leipzig, beautifully bound in vellum."

The "fee" had been earned many times over. (Donovan's cash fee of $10,000 was donated to three universities.) Even today, he still occasionally receives [illegible] about [illegible] ment in the case, and at the time of the trial, he had to have his phone disconnected to halt the [illegible]ge of abusive calls.

[illegible] greeted him in a courthouse corridor with, "Here comes the million-dollar Commie lawyer." Donovan looked him over coolly and answered, "That, judge, is about as sound as most of your opinions."

Actually, his defense of Abel was in the great Anglo-American tradition of law. When the case came up in 1957, the presiding judge asked the Brooklyn Bar Association to supply defense counsel. Understandably, volunteers were few, and Donovan, packing for a family vacation up in Lake Placid, received a phone call that he had been selected.

Perhaps he could have gotten himself excused, but he decided to take the unpopular, unprofitable case and fight it up to the Supreme Court. Though the highest tribunal upheld Abel's long sentence, Chief Justice Earl Warren publicly commended Donovan. "In my time on this court," he said, "no man has undertaken a more arduous, more self-sacrificing task . . ."

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RIGHT from his early days, there was the peculiar blend of the esthete, the book lover, and the unflinching doer in Donovan.

A boyhood friend, John Shanley, now assistant TV editor of The New York Times, remembers when the gang used to meet in Donovan's brownstone home on 139th St., near Willis Ave., in the Bronx. The doctor's office was on the parlor floor, Jim's and John's rooms upstairs.

(John Donovan, two years older than Jim, became a New York state senator. He died of a heart attack in 1955.)

"Jim was spending most of his allowance money on books," Shanley recalled. "He would bring out one of his latest acquisitions and say to us, 'Isn't this beautiful? It's real Moroccan leather.' Of course we razzed him unmercifully. After all, we were only kids. But it never discouraged Jim."

Brother Patrick A. Gleeson, principal of All Hollows Institute when the Donovan boys went there, remembers them well.

"The two were as different as chalk and cheese," Brother Gleeson said. "Jim was a scrappy little chap, a real live wire. But my outstanding memory of him is in dramatics, the first play in our new auditorium, 'Seven Keys to Baldpate.'"

Later, on the Fordham University tennis courts, Donovan made a reputation for dogged determination. His chunky, 5-foot-9 frame was not exactly perfect for placing slams, but he could—and did—retrieve anything.

"No matter where the ball was, Jim would somehow manage to return it," said Victor Del Guercio, captain of the 1937 tennis team. "I never saw anyone more determined to get that ball over the net."

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Portrait of Lawyer As a Young Man

The resolution [illegible] the young face of James Aloysius Britt Donovan which looks squarely out of the 1937 Maroon yearbook, in contrast to three-quarter profiles of the others on the page with him.

His classmates had voted him the "Best All-Around Man" and the man who "Did Most for Fordham."

But it definitely was not 'l-work-and-no-play. After footb[all] games, his Ford Phaeton would rush a thirsty load of Fordhamites downtown to a Third Ave. beer hall, and his yearbook noted, perhaps indiscreetly, that he could be seen frequently at the Stork Club.

Originally, Jim wanted to be a newspaperman. He was the only two-year editor-in-chief of the Ram, the campus weekly, and he wrote 225 editorials for it. Tuesday and Wednesday evenings he definitely was not at the Stork—he was at the printers' shop in the E. 40s, making up the paper.

"But my father took a dim view," he admitted. "I think he had seen 'The Front Page' and was convinced that the editorial life was the surest road to alcoholism."

Shrewdly, however, Dr. Donovan restrained himself from forbidding jouralism as a career for his son. Instead, he persuaded him to go to law school first, get his degree and then become a newspaperman. At Harvard Law School, as his father had no doubt hoped, Donovan was fatally "bitten by the law bug."

"But I still like to write my briefs in terse, one-syllable English," he says. "So I feel like a newspaperman."

* * *

DURING WW II, Donovan joined the Office of Scientific Research and Development as assistant general counsel, and was promptly assigned a legal poser.

Up to that time, all insurance policies demanded concrete proof of death for a prompt payoff. Otherwise, under the Enoch Arden Law, the beneficiaries had to wait seven years until the insured party was finally declared legally dead. Then they could collect.

Wrote Insurance Policy—The First for Atomic Age

But during the war, the Office of Scientific Research and Development was working on ultra-secret, untried combat weapons. Donovan's assignment was to design an insurance policy that would cover workers in installations like the Manhattan Project, which was to produce the atom bomb. And there was a seemingly insoluble hitch.

Personnel working with nuclear energy might disappear without trace — distintegrate — and what evidence of death would be left?

Somehow, the young lawyer managed to formulate the first [illegible] insurance policy.

More amazingly—or perhaps not, in view of his formidable tenacity—Donovan enlisted the full cooperation of insurance companies. They agreed to underwrite persons whose precise jobs they didn't know, whose working hazards could not be accurately estimated—and whose claims could not be investigated!

In 1943, Donovan received a commission as a Navy ensign and was assigned to a special unit of the Office of Strategic Services. By the time of the Nurnberg Trials, now a commander, he had charge of all the visual evidence prepared for those historic prosecutions.

Film strips in the movie, "Judgment at Nurnberg," showing the Nazi concentration camp horrors, were among those that had been collected by Donovan, assisted by a young second lieutenant later to achieve some fame as an author. He was Budd Schulberg.

When Donovan returned to civilian life, he became general counsel to the National Bureau of Casualty Underwriters, representing them in major hearings and trials all over the country. In 1950, with Thomas F. Watters, he founded his own law firm.

His legal success has been greatly facilitated by his ability to read and digest with amazing speed. Once he signed up for a speed-reading course, but was turned away. He could already read faster than his instructors.

Last fall, Donovan was the Democratic nominee for U.S. Senator, but he was immersed in his Cuban negotiations and could afford little time for campaigning. He lost, and it's doubtful that it mattered very much to him. There were greater rewards from his mission in behalf of humanity.

Last Christmas Eve, for example, while escorting some of the Bay of Pigs invasion prisoners to freedoom, a man stopped him and said quietly, "Mr. Donovan, you are a lawyer and a Catholic. I, too, was a lawyer for 20 years. Now I am nothing."

Gives Donovan Rosary Beads

But he wanted to give Donovan a present — hand-carved rosary beads he had fashioned in prison.

Rash though it seems to make predictions about the unpredictable Donovan, there is strong doubt that he will accept hospital detention more than a few days.

"I never knew anyone who could concentrate the way he can —and that's the way he sleeps, too," Mrs. Donovan reported. "He can clear his mind of everything and drop off. A few hours later,

Though his present mission is accomplished, there are still free men in Communist jails all over the world, men who are making rosary beads from wood and awaiting the only help that can come—from the outside.

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